

Application No. 10/517,377
Art Unit: 3664

Amendment under 37 C.F.R. §1.116
Attorney Docket No. 043082

AMENDMENTS TO THE DRAWINGS

The attached replacement sheet of drawings includes changes to Figs. 4A and 4B. In the attached sheet of drawings, reference numeral 100 has been added.

REMARKS

Reconsideration of this application is respectfully requested. Claims 1-13 are pending in the application. Claims 1-13 stand rejected.

Drawings

The drawings are objected to on page 2 of the Action as the drawings must show a sensor axis.

This objection is respectfully traversed. Figs 4A and 4B and corresponding description of the specification have been amended to indicate the “sensor axis” by adding the reference numeral “100.” Accordingly, withdrawal of this objection is respectfully requested.

Claim Rejections - 35 U.S.C. §103

Claims 1-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Takenaka et al. (USP 5,357,433) in view of De Beaucourt et al. (USP 5,421,426) further in view of Nishikawa et al. (USP 5,255,753).

This rejection is respectfully traversed. With regard to the disclosure of Takenaka, the Examiner clearly acknowledges the drawbacks and deficiencies of Takenaka, that is, Takenaka does not disclose “*an upper sole and a lower sole, and the force sensor is provided between the upper sole and the lower sole,*” “*wherein the lower sole is provided with a side wall rising upward at a part next to the outer edge of the foot portion*” and “*the force sensor includes a sensor axis and the lower sole is supported pivotally movably with the sensor axis of the force sensor.*”

In an attempt to cure the above-noted drawbacks and deficiencies of Takenaka, the Examiner relies on the teachings of De Beaucourt and Nishikawa (for example, page 5 of the Action). However, none of the De Beaucourt and Nishikawa discloses nor teaches “*the lower sole is supported pivotally movably with the sensor axis of the force sensor.*”

First, the claim term “axis” has different dictionary meanings. For example, according to Merriam Webster Online Dictionary, “axis” has meanings of:

- (1) one of the reference lines of a coordinate system;
- (2) any of various central, fundamental, or axial parts.

MPEP 2111.01 provides a guideline for the interpretation of claim terms which have different dictionary meanings:

It is the use of the words in the context of the written description and customarily by those skilled in the relevant art that accurately reflects both the "ordinary" and the "customary" meaning of the terms in the claims. In construing claim terms, the general meanings gleaned from reference sources, such as dictionaries, must always be compared against the use of the terms in context, and the intrinsic record must always be consulted to identify which of the different possible dictionary meanings is most consistent with the use of the words by the inventor. (emphasis added) *Ferguson Beauregard/Logic Controls v. Mega Systems*, 350 F.3d 1327, 1338, 69 USPQ2d 1001, 1009 (Fed. Cir. 2003)

It is submitted that, by the above-mentioned amendment of the drawings and the specification, the “sensor axis” of the present application has been clarified as the sensor axis 100. As shown in Figs 4A and 4B, the sensor axis 100 is a shaft-like axial parts. In this regard, Nishikawa does not disclose a sensor whose lower sole is supported pivotally movable by an axial parts.

Specifically, Nishikawa discloses a foot structure for logged walking robot whose foot (foot 10) has a “six-axis force sensor.” Nishikawa describes the “six-axis force sensor” and its sensor function as “the foot 10 has a known six-axis force sensor 50 disposed below the rotatable member 42, for measuring three-directional components F_x , F_y , F_z of a force and three-directional components M_x , M_y , M_z of a moment separately, thereby to determine whether the foot lands on the terrain or not, or the load with which the foot is placed on the terrain” (Col 6, lines 53-65). While Nishikawa implies the x-axis, y-axis and z-axis of the coordinate system, Nishikawa is silent regarding the structure of the “six-axis force sensor.” Therefore, Nishikawa does not even disclose the “sensor axis” of the present application. Thus, Nishikawa does not disclose a sensor whose lower sole is supported pivotally movable by the sensor axis 100.

Accordingly, even if, assuming *arguendo*, that Takenaka may be combined with De Beaucourt and Nishikawa in the manner suggested by the Examiner, such combination would still fail to disclose or fairly suggest the claimed feature of “*the lower sole is supported pivotally movably with the sensor axis of the force sensor*,” as called for in independent claims 1, 5 and 9. Accordingly claims 1, 5 and 9 and their dependent claims patentably distinguish over Takenaka, De Beaucourt and Nishikawa.

In view of the foregoing, it is submitted that all pending claims are in condition for allowance. A prompt and favorable reconsideration of the rejection and an indication of allowability of all pending claims are earnestly solicited.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants’ undersigned attorney to arrange for an interview to expedite the disposition of this case.

Application No. 10/517,377
Art Unit: 3664

Amendment under 37 C.F.R. §1.116
Attorney Docket No. 043082

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

/Tsuyoshi NAKAMURA/

Tsuyoshi Nakamura
Limited Recognition No. L0396
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

TN/ya